**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE R.BASANT**

**TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928**

**Crl.Rev.Pet.No. 4420 of 2006()**

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**AGAINST THE JUDGEMENT/ORDER IN CRRP.2742/2006**

**CC.1375/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, PATHANAMTHITTA**

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**REVN. PETITIONER: ACCUSED:**

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**SURESH K.R., AGED 44 YEARS,**
**S/O. RAMCHANDRA PANICKER, HOUSE NO.27,**
**RAVI STREET, VELANCHERRY P.O., CHENNAI-42.**

**BY ADV. SRI.P.S.DIVAKARAN**

**RESPONDENTS: COMPLAINANT:**

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**1. C.C.JOSE, AGED 44 YEARS,**
**S/O.CHACKO, CHARUVIPARAMBIL HOUSE, KARITHOTTA P.O.**
**KIDANGANNUR VIA., PATHANAMTHITTA,REPRESENTED BY**
**POWER OF ATTORNEY HOLDER,LAILA JOSE, AGED 31 YEARS**
**W/O.C.C.JOSE,CHARUVIPARAMBIL HOUSE, KARITHOTTA P.O**
**KIDANGANNUR VIA., PATHANAMTHITTA.**

**2. STATE OF KERALA,**
**REPRESENTED BY PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI.KAMAPPU**

**THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/12/2006,ALONG WITH CRL.R.P NOS.4455 AND 4458 OF 2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**R.BASANT.J**

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**Crl.R.P Nos . 4420, 4455 & 4458 OF 2006**

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**Dated this the 19th day of December 2006**

**ORDER**

All these revision petitions are against orders condoning the delay of 10 days in filing the complaints under Section 138 of the Negotiable Instruments Act. In all the three complaints filed by the same complaint against the same accused person, a delay of 10 days had crept in. The complainant therefore filed applications to condone the delay. Without hearing the petitioner/ accused those applications for condonation of delay were allowed by the learned Magistrate. The petitioner came before this Court with revision petitions. By common order passed by this Court dated 9-8-2006 the revision petitions were dismissed but it is observed that the petitioner shall be at liberty to raise his objections against the condonation of delay and the learned Magistrate must consider such objections and pass appropriate orders.

2. It is thereafter that the impugned orders have been passed by the learned Magistrate accepting the prayer to condone the delay of ten days in filing the complaints under Section 138 of the Negotiable Instruments Act. Illness of the complainant and the delay in receiving the Power of attorney executed by the Payee at his place of employment abroad

is the alleged cause urged by the complainant, in all the three complaints to condone the delay of 10 days.

I have been taken through the impugned order and I am of the opinion that the learned Magistrate has considered the question in the proper and correct perspective The finding of the learned Magistrate that the short delay of ten days in filing the three Criminal complaints deserves to be condoned is, according to me, eminently just cogent and reasonable and does not at any rate justify the invocation of the revisional jurisdiction of superintendence and correction to interfere with that finding. Shortness of the delay involved, the cogent and acceptable reasons urged, the fact that the reasons were urged long before the objections were raised do all appear to me as sufficient and satisfactory reasons which must weigh this court in choosing not to invoke the revisional jurisdiction.

3. These CrlR.Ps. are in these circumstances dismissed

R.BASANT, JUDGE

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